

REMARKS

Amendments to the form of the claims are made and new claims are added.

Additionally, the claims recite particle size limitations which find support in the specification and which are proper under *In re Wertheim*, 541 F.2d 257, 191 USPQ 90 (CCPA 1976) and *In re Voss*, 557 F.2d 812, 194 USPQ 267 (CCPA 1977), i.e., directing claims to a subsumed range to what is disclosed is proper even in the absence of literal support for the same as long as the application describes the claim limitations sufficiently clearly that persons of ordinary skill in art will recognize from the disclosure that applicants invented processes including those limitations.

In *Wertheim*, the court held that the description of the invention employing solids contents within 25-60% range along with specific embodiments of 36% and 50% warrants conclusion, in context of a process for making freeze-dried instant coffee from concentrated coffee, that persons skilled in art would consider the claimed process employing 35-60% solids content range to be part of the invention.

In *Voss*, the court held that the description of the range 20-100% would necessarily describe the range 50%-100% crystal content in a glass-ceramic material, which is claimed, unless the broad range pertained to a different invention from that involving the narrower range.

Likewise, in the present claims, one of ordinary skill in the art would conclude that the disclosure of a range of 1-100 nm for the ferromagnetic or ferrimagnetic substance's particle sizes sufficiently clearly describes to persons of ordinary skill in art that applicants invented embodiments where the range is 10-80 nm and 20-40 nm.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



Csaba Henter, Reg. No. 50,908
Anthony J. Zelano, Reg. No. 27,969
Attorneys for Applicants
MILLEN, WHITE, ZELANO & BRANIGAN, P. C.
2200 Clarendon Boulevard, Suite 1400
Arlington, Virginia 22201
(703) 812-5331
Internet address: henter@mwzb.com

Filed: November 29, 2004

AJZ/tal:K:\SCH\1704\D1\SUPPL PRELIM AMEND.DOC